

Express Mail No. EV170134157US
PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Gordon E. King et al.
Application No. : 09/920,300
Filed : July 31, 2001
For : COMPOSITIONS AND METHODS FOR THE THERAPY AND
DIAGNOSIS OF COLON CANCER.

Examiner : Cheyne D. Ly
Art Unit : 1631
Docket No. : 210121.547
Date : December 3, 2002

Commissioner for Patents
Washington, DC 20231

#10/A
Plunkett
12/10/02
RECEIVED
DEC 10 2002
TECH CENTER 1600/2900

RESPONSE TO RESTRICTION REQUIREMENT AND PRELIMINARY AMENDMENT

Commissioner for Patents:

In response to the Restriction Requirement dated September 3, 2002, please extend the period of time for response two months, to expire on December 3, 2002. Enclosed are a Petition for an Extension of Time and the requisite fee.

In response to the Restriction Requirement dated September 3, 2002, applicants hereby elect Group VIII, claims 12 and 13, species SEQ ID NO:1789 (encoded by the polynucleotide set forth in SEQ ID NO:1788), and specie A (a component, which is a polypeptide) for examination at this time. SEQ ID NO:1789 represents the amino acid sequence of the colon tumor antigen referred to as C1491P.

Please amend the application as follows:

In the claims:

Please cancel non-elected claims 1-11 and 14-17.

Please amend claims 12 and 13 to read as follows:

sub
A
12. (Amended) A method for stimulating an immune response in a patient, comprising administering to the patient a composition comprising a first component selected from the group consisting of physiologically acceptable carriers and immunostimulants, and a second component comprising a polypeptide selected from the group consisting of:

- (a) a polypeptide encoded by the polynucleotide set forth in SEQ ID NO:1788;
- (b) a polypeptide comprising the amino acid sequences set forth in SEQ ID NO:1789; and
- (c) polypeptides comprising an amino acid sequence having at least 90% identity to the sequence set forth in SEQ ID NO:1789.

13. (Amended) A method for the treatment of a cancer in a patient, comprising administering to the patient a composition comprising a first component selected from the group consisting of physiologically acceptable carriers and immunostimulants, and a second component comprising a polypeptide selected from the group consisting of:

(a) a polypeptide encoded by the polynucleotide set forth in SEQ ID NO:1788;

(b) a polypeptide comprising the amino acid sequences set forth in SEQ ID NO:1789; and

(c) polypeptides comprising an amino acid sequence having at least 90% identity to the sequence set forth in SEQ ID NO:1789.

REMARKS

In view of the above election, applicants hereby cancel non-elected claims 1-11 and 14-17 without prejudice to the filing of any divisional, continuation, or continuation-in-part application. The above amendments to claims 12 and 13 are made solely to remove reference to non-elected subject matter. Following this amendment, claims 12 and 13 are under examination. Applicants note that the Action incorrectly states that the claims are drawn to a method for stimulating an immune response in a patient and for the treatment of ovarian cancer. Applicants submit that the instant application is directed to compositions and methods for the therapy and diagnosis of colon cancer.

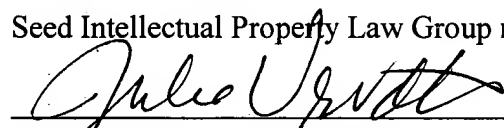
Attached hereto is a marked-up version of the changes made to the specification and claims by the current amendment. The attached page is captioned "Version With Markings to Show Changes Made."

Consideration of the elected claims is now requested.

Respectfully submitted,

Gordon E. King et al.

Seed Intellectual Property Law Group PLLC


Julie A. Urvater, Ph.D., Patent Agent

Registration No. 50,461

Enclosure:

Postcard

701 Fifth Avenue, Suite 6300
Seattle, Washington 98104-7092
Phone: (206) 622-4900
Fax: (206) 682-6031

D:\NrPortbl\iManage\TIFFANYT\339110_1.DOC